

IN THE EUROPEAN PATENT OFFICE

In re Patent Application of

IDEc Pharmaceuticals Corp.

Application No.: 94901444.3

Filed: June 9, 1995

For: THERAPEUTIC APPLICATION OF
CHIMERIC AND RADIOLABELED
ANTIBODIES TO HUMAN B LYMPHO-
CYTE RESTRICTED DIFFERENTI-
ATION ANTIGEN FOR TREATMENT...



DECLARATION OF DARRELL R. ANDERSON

The European Patent Office
P B 5818 Patentlaan 2
2280 HV Rijswijk (ZH)
Netherlands

Sir:

I, Darrell R. Anderson, declare and state as follows:

(1) I reside at 1851 Navajo Place, Escondido, California 92029.

(2) I am the same Darrell R. Anderson who is an inventor on the above-identified application. I am also the same Darrell R. Anderson who is an author on "Immunoreactivity and Effector Function Associated with a Chimeric Anti-CD20 Antibody," Anderson et al, The 2nd Annual IBC International Conference on Antibody Engineering (December 16-18, 1991 (hereinafter "the Anderson abstract" or "the Anderson reference").

(3) The Anderson reference is an abstract which was presented at the IBC International Conference. This abstract generally relates to the C2B8 and the 2B8 antibodies. More particularly, and as reflected by the title of the abstract, the Anderson reference



relates to the immunoreactivity and effector functions associated with the C2B8 antibody. The abstract further describes that the C2B8 antibody is a chimeric antibody containing human constant regions and murine variable regions which binds to the human CD20 antigen. The abstract further discloses that the 2B8 antibody is the murine anti-CD20 antibody from which the variable regions contained in the C2B8 antibody were derived. Also, the Anderson abstract contains information relating to the potential usage of the C2B8 antibody for the treatment for B cell lymphoma.

(4) However, as discussed in the letter submitted to the European Patent Office on September 5, 1995, the Anderson abstract does not contain sufficient information to enable one skilled in the art to synthesize or otherwise obtain the C2B8 or the 2B8 antibodies. For example, this abstract does not contain any amino acid or DNA sequence information relating to the C2B8 or the 2B8 antibody. Moreover, no amino acid or DNA sequence information relating to either the C2B8 or the 2B8 antibody was reported in the literature or otherwise publicly disseminated prior to the November 13, 1992 priority date of this application. Furthermore, neither the C2B8 antibody or the 2B8 antibody, or cell lines which produce either of these antibodies were made publicly available prior to the November 13, 1992 priority date of this application.

The undersigned inventor declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false

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statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Date: 2/1/96

Darrell R. Anderson
Darrell R. Anderson, PhD.

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